



25 February 2019

Dear [REDACTED]

Official Information Request
Our Ref: SSCOIA 2019-0020

I refer to your official information request received on 31 January 2019 as follows:

- *Open Government Strategy Pack (13 March 2018)*
- *SSC Report: Open Government strategy update (SSC2017/689) - 29 November 2017*
- *SSC Aide Memoire: Proactive release of official information (SSC2017/676) - 27 November 2017*

All of these documents have been previously released, with redactions under s9(2)(f)(iv) for confidential advice.

Following the release of the OGP national action plan, the reason for those redactions should have expired, and so I am seeking unredacted versions of the documents."

Information being released

Please find enclosed the following document:

Item	Date	Document Description	Decision
1	27 November 2017	Proactive release of official information	Released with information withheld under 9(2)(a)

On 18 September 2018 the Government announced its policy on the proactive release of Cabinet papers. At the time, SSC released a suite of Cabinet papers and supporting advice on our website (<http://ssc.govt.nz/proactive-releases>). This means the information previously withheld from the above document under section 9(2)(f)(iv) is now able to be released. I attach a new version of the document above, subject to some information continuing to be withheld under the following section of the OIA:

- section 9(2)(a) – to protect the privacy of natural persons, including deceased people.

Information being withheld

You have also requested unredacted versions of two Open Government Strategy documents, on the basis that, with the release of the OGP National Action Plan, the information is able to be released.

However, the Open Government Strategy was not being developed as part of the OGP work programme. The Strategy is an overarching piece of work looking at the wider challenges, opportunities and options in the area of Open Government. The finalisation of the 2018-20 OGP National Action Plan does not mean that an Open Government Strategy is in place - that work is ongoing.

The development of an Open Government Strategy was initiated in late 2017, with a view to consulting on it in parallel with the 2018-20 OGP National Action Plan (as noted in the 29 November 2017 document *Open Government Strategy Update*). This work was led by the Minister of State Services (Open Government) until August 2018, when Open Government initiatives reverted to the Minister of State Services.

Since that time the focus of the Open Government work has been on progressing the OGP Plan 2018-20, reviewing the implementation of the 2016-28 Plan, and delivering the policy on the proactive release of Cabinet papers. SSC has engaged with the Minister of State Services on a re-focused Open Government Strategy, and this work will continue in 2019.

With the change of responsible Minister, and the re-focus of the Open Government Strategy, we consider that the Strategy remains under active consideration. We have therefore decided to decline your request for unredacted versions of the documents below under the following section of the OIA:

- section 9(2)(f)(iv) – to maintain the constitutional conventions for the time being which protect the confidentiality of advice tendered by Ministers of the Crown and officials.


Item	Date	Document Description	Decision
1	29 November 2017	Open Government strategy update	Redacted information continues to be withheld under 9(2)(f)(iv)
2	13 March 2018	Open Government Strategy Pack	Redacted information continues to be withheld under 9(2)(f)(iv)

If you wish to discuss this decision with us, please feel free to contact Ministerial.Services@ssc.govt.nz.

You have the right to seek an investigation and review by the Ombudsman of this decision. Information about how to make a complaint is available at www.ombudsman.parliament.nz or freephone 0800 802 602.

Please note that we intend to publish this letter (with your personal details removed) and enclosed documents on the State Services Commission's website.

Yours sincerely



Catherine Williams
Deputy Commissioner
State Services Commission



SSC Aide Mémoire: Proactive release of official information

Date:	27 November 2017	Report No:	SSC2017/676
Contact:	Erik Koed	Telephone:	9(2)(a) privacy

Key points for your Oral Item at Cabinet

1. I have asked SSC to prepare a draft Cabinet paper that proposes to strengthen proactive release requirements on Ministers and departments.
2. SSC is working with officials from the Ministry of Justice and the Department of the Prime Minister and Cabinet (including Cabinet Office) to develop the proposal, but has yet to undertake wider departmental consultation, which will be necessary.
3. The policy aims to support a lift in proactive release practice across agencies and achieve stronger public participation in policy development and decision-making, while strengthening the accountability of decision makers and advisers.
4. The proposals in the paper build on the 2017 changes to the New Zealand Cabinet Manual, which includes an expectation that Cabinet material on significant policy decisions should be released proactively once decisions have been made.
5. My paper will propose that Cabinet agrees to a policy that:
 - a) by default, all Cabinet policy papers are released (in part or in full) within six weeks of a Cabinet decision (subject to risk assessment procedures or a Ministerial decision not to release in specific circumstances)
 - b) agencies release (in part or in full) the key policy papers provided to Ministers to support Cabinet decisions within six weeks of a Cabinet decision being made as a default (subject to risk assessment procedures or a decision not to release in specific circumstances). This would include the final set of advice considered by the decision-maker prior to the development of a Cabinet paper and any other analysis or contextual information that the chief executive considers would be useful to release at the same time.
6. While my proposal includes a six-week window for the release of papers, it may often be desirable for papers to be released earlier or later, for example when there is a planned announcement or an extended policy process with multiple decisions required by Cabinet.
7. The aim of the policy is to support effective public participation in the policy process, and to promote the accountability of Ministers and officials. However, there will be some information that should not be released, in accordance with legislation or other requirements (for example, commercially sensitive information or papers classified Secret or above). My paper proposes that Ministers continue to approve their own Cabinet papers for release in full or in part. Agencies will support Ministers to conduct a risk assessment of material for release.
8. Agencies will support the development of the information release, including advice on assessment of material for release or (where appropriate) providing additional contextual information to assist public debate. Agencies will retain the discretion to determine the priorities for proactive release of other supporting material (including background analysis or other information generated during the policy process), taking into account matters such as the type of information held by the agency and the public interest in it.

Consultation options

9. As Cabinet papers are Minister's papers, gaining Cabinet agreement to a policy to proactively release Cabinet papers will require consultation with the Prime Minister. We suggest you consult your ministerial colleagues.
10. If you wish Cabinet to consider this paper prior to Christmas, we suggest the following timeline. However, this option only allows seven days for consultation with ministerial colleagues on the proposal:

Proposed Cabinet paper timeline	
1 December 2017	Updated Cabinet paper provided to the Associate Minister of State Services (Open Government).
7 December 2017	Cabinet paper lodged.
13 December 2017	Paper considered at Cabinet Business Committee.
18 December 2017 (final Cabinet meeting for 2017)	Paper considered at Cabinet.

11. If you wish, you could seek power to Act or take the paper directly to Cabinet.
12. SSC officials are available to discuss the proposal and timeline on Wednesday 29 November 2017.